HIGH COURT OF JUDICATURE CHHATTISGARH: BILASPUR

DIVISION BENCH

CORAM : HON'BLE SHRI S.R. NAYAK, CJ
& HON'BLE SHRI D.R. DESHMUKH, J.

Writ Petition NO. 410 OF 2006

PETITIONER — Sham Sher Bahadur Singh, s/o. Late Ran Bahadur Singh, aged about 64 years, Retired Assistant Statistical Officer – Kawardha (C.G.) Permanent Postal Address : C/o. Smt. Tara Devi Singh, Near old post office, Sukhpura, Distt. Ballia (U.P.)

VERSUS

RESPONDENTS

1. State of Chhattisgarh, through Secretary, Department of Planning and Statistics Mantralaya, D.K.S. Bhawan, Raipur (C.G.)
2. Director, Planning and Statistics, Koshalya Compound, Mahila Polytechnic Building, Baron Bazar, Raipur, Chhattisgarh.
3. District Planning and Statiscs Officer, Collectorate, New Building, Kawardha, Distt. Kabirdham (C.G.)

Present: Mr. Sham Sher Bahadur Singh, petitioner in person.

Mr. Utkarsh Verma, learned Dy. G.A. for the State.

ORAL ORDER
(Passed on 25th January 2006)

The following oral order of the Court was passed by

S.R. NAYAK, CJ :

Ex facie, this writ petition is not maintainable for more than one reason. In view of the arrest and detention of the petitioner for more

than 48 hours, the Director, Economics and Statistics Department, M.P., Bhopal, (now at Raipur) , the 2nd respondent herein passed an order on 29.09.2000 as per Annexure – P/1 placing the petitioner under suspension in terms of the service rules. The petitioner being aggrieved by the said order of the 2nd respondent preferred O.A. NO.319/2001 to the State Administrative Tribunal at Raipur and that O.A. was dismissed by the Tribunal by its order dated 05.07.2002. Being aggrieved by the said order, the petitioner preferred W.P. No.1536/2002 to this Court and this Court by its order dated 17.07.2003 disposed of that writ petition without quashing the order of the State Administrative Tribunal dated 05.07.2002 made in O.A. No.319/2001. The order made by the State Administrative Tribunal has become final. The order made by this Court on 17.07.2003 in W.P. No.1536/2002 has also become final. The State Administrative Tribunal as well as this Court have sustained the order made by the 2nd respondent dated 29.09.2000 placing the petitioner under suspension. If this is the factual position, we are at a loss to understand how the petitioner again by way of this writ petition can challenge the same order made by the 2nd respondent and that of the State Administrative Tribunal. There is one more weighty reason for us to dismiss the writ petition in *limine*. Since the order made by the Division Bench of this Court on 17.07.2003 in W.P. No.1536/2002 has become final, the correctness of the same cannot be canvassed in this writ petition before another coordinate Division Bench. The observation made by the Division Bench, reserving liberty to the petitioner that he may approach the Court by way of a fresh petition if he has 'any other grievance' would not entitle the petitioner to file fresh writ petition

challenging the very same order of the 2nd respondent when that order was already affirmed by the State Administrative Tribunal and the Division Bench of this Court. Looking from any angle, this writ petition is misconceived and not maintainable and it is accordingly dismissed. No costs.

Sd/-
Hon'ble the Chief Justice

Sd/-
Dilip Raosaheb Deshmukh
Judge

Subhl